

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 356

Introduced by Assembly Member Fletcher

February 19, 2009

An act to amend Section 114850 of the Health and Safety Code, relating to radiologic technology.

LEGISLATIVE COUNSEL'S DIGEST

AB 356, as amended, Fletcher. Radiologic technology: licentiates of the healing arts.

Existing law sets forth the duties of various agencies relating to the protection of the public health and safety from the harmful effects of radiation, including, among others, the duties of the State Department of Public Health regarding the licensing and regulation of radiologic technology.

Existing law requires the department to provide for the certification of licentiates of the healing arts to supervise the operation of X-ray machines or to operate X-ray machines, or both, to prescribe minimum standards of training and experience for these licentiates of the healing arts, and to prescribe procedures for examining applicants for certification. Under existing law, licentiates of the healing arts is defined to include any person licensed under the Medical Practice Act, the Osteopathic Act, or a specified initiative act that created the State Board of Chiropractic Examiners, as provided.

Existing law, the Physician Assistant Practice Act, separately establishes the Physician Assistant Committee of the Medical Board of California, and provides for the licensure of physician assistants meeting specified criteria and for the regulation of their practice. Under that act, a physician assistant is authorized to perform certain medical services under the supervision of a physician and surgeon, subject to certain exceptions.

This bill would revise the definition of licentiates of the healing arts to also include a physician assistant who is licensed pursuant to the Physician Assistant Practice Act and who practices under the supervision of a qualified physician and surgeon, as provided. The bill would require a physician assistant who is issued a licentiate *fluoroscopy* permit to meet specified continuing education requirements. The bill would also require the supervising physician and surgeon to have, or be exempt from having, a ~~certificate or~~ *licentiate fluoroscopy* permit to perform the functions that he or she is supervising, as provided.

This bill would also allow a physician and surgeon to delegate to a licensed physician assistant procedures using ~~ionizing radiation, including, but not limited to,~~ fluoroscopy. The bill would ~~commencing January 1, 2011,~~ specify training requirements that must be met in order for a physician assistant to be delegated this task ~~as of January 1, 2011.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 114850 of the Health and Safety Code
- 2 is amended to read:
- 3 114850. As used in this chapter:
- 4 (a) "Department" means the State Department of Public Health.
- 5 (b) "Committee" means the Radiologic Technology
- 6 Certification Committee.
- 7 (c) "Radiologic technology" means the application of X-rays
- 8 on human beings for diagnostic or therapeutic purposes.
- 9 (d) "Radiologic technologist" means any person, other than a
- 10 licentiate of the healing arts, making application of X-rays to
- 11 human beings for diagnostic or therapeutic purposes pursuant to
- 12 subdivision (b) of Section 114870.
- 13 (e) "Limited permit" means a permit issued pursuant to
- 14 subdivision (c) of Section 114870 to persons to conduct radiologic

1 technology limited to the performance of certain procedures or the
2 application of X-ray to specific areas of the human body, except
3 for a mammogram.

4 (f) "Approved school for radiologic technologists" means a
5 school that the department has determined provides a course of
6 instruction in radiologic technology that is adequate to meet the
7 purposes of this chapter.

8 (g) "Supervision" means responsibility for, and control of,
9 quality, radiation safety, and technical aspects of all X-ray
10 examinations and procedures.

11 (h) (1) "Licentiate of the healing arts" means a person licensed
12 under the provisions of the Medical Practice Act, the provisions
13 of the initiative act entitled "An act prescribing the terms upon
14 which licenses may be issued to practitioners of chiropractic,
15 creating the State Board of Chiropractic Examiners and declaring
16 its powers and duties, prescribing penalties for violation thereof,
17 and repealing all acts and parts of acts inconsistent herewith,"
18 approved by electors November 7, 1922, as amended, the
19 "Osteopathic Act," or a person licensed under the Physician
20 Assistant Practice Act (Chapter 7.7 (commencing with Section
21 3500) of Division 2 of the Business and Professions Code) who
22 practices under the supervision of a qualified physician and surgeon
23 pursuant to the act and pursuant to Division 13.8 of Title 16 of the
24 California Code of Regulations.

25 (2) In order to supervise a physician assistant in performing the
26 functions authorized by this chapter, a physician and surgeon shall
27 either hold, or be exempt from holding, a ~~certificate or~~ *licentiate*
28 *fluoroscopy* permit required to perform the functions being
29 supervised.

30 (3) A physician and surgeon may delegate to a licensed
31 physician assistant procedures using ~~ionizing radiation, including,~~
32 ~~but not limited to, fluoroscopy. As of January 1, 2011, a physician~~
33 ~~assistant delegated the use of ionizing radiation shall fluoroscopy.~~
34 *A physician assistant to whom a physician and surgeon has*
35 *delegated the use of fluoroscopy shall* demonstrate successful
36 completion of 40 hours of total coursework, including radiation
37 safety and protection, recognized by the department.
38 Documentation of completed coursework shall be kept on file at
39 the practice site and available to the department upon request.
40 Notwithstanding any other provision of law, the department shall

1 accept applications for a ~~licentiate~~ *fluoroscopy* permit from a
2 licensed physician assistant who meets the requirements of this
3 section.

4 (4) A licensed physician assistant who is issued a ~~licentiate~~
5 *fluoroscopy* permit pursuant to the requirements of this section
6 shall, in the two years preceding the expiration date of the permit,
7 earn 10 approved continuing education credits.

8 (i) “Certified supervisor or operator” means a licentiate of the
9 healing arts who has been certified under subdivision (e) of Section
10 114870 or 107115 to supervise the operation of X-ray machines
11 or to operate X-ray machines, or both.

12 (j) “Student of radiologic technology” means a person who has
13 started and is in good standing in a course of instruction that, if
14 completed, would permit the person to be certified a radiologic
15 technologist or granted a limited permit upon satisfactory
16 completion of any examination required by the department.
17 “Student of radiologic technology” does not include any person
18 who is a student in a school of medicine, chiropractic, podiatry,
19 dentistry, dental radiography, or dental hygiene.

20 (k) “Mammogram” means an X-ray image of the human breast.

21 (l) “Mammography” means the procedure for creating a
22 mammogram.